

(Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations.)

§ 18247.5. Primarily Formed and General Purpose Committees.

(a) Primarily Formed Committee. For purposes of Section 82047.5, a recipient committee under Section 82013(a) is considered to be formed or existing primarily to support or oppose a candidate or measure if it makes more than 70 percent of its total contributions and expenditures, as calculated pursuant to subdivision (c), on any of the following:

(1) A single candidate. A committee formed or existing primarily to support or oppose a single candidate includes a committee that makes contributions and expenditures for a particular candidate and against that candidate's opponent(s).

(2) A single measure.

(3) A group of specific candidates being voted upon in the same city, county, or multicounty election.

(4) Two or more measures being voted upon in the same city, county, multicounty, or state election.

(b) General Purpose Committee. If a committee is not primarily formed, but is a general purpose committee under Section 82027.5, the following definitions apply:

(1) State General Purpose Committee. A "state general purpose committee" is a committee that meets the criteria in either subparagraph (b)(1)(A) or (b)(1)(B):

(A) The committee makes contributions or expenditures to support or oppose candidates or measures voted on in state elections, including making contributions to other state general purpose committees, or in more than one county, that total more than 50 percent of the contributions and expenditures made by the committee, as calculated pursuant to subdivision (c).

(B) The committee is a political party committee, as defined in Section 85205.

(2) County General Purpose Committee. A "county general purpose committee" is a committee that meets the criteria in subparagraphs (b)(2)(A) and (b)(2)(B):

(A) The committee makes contributions or expenditures to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county, including contributions to county general purpose committees in the same county, that total more than 50 percent of the contributions and expenditures made by the committee, as calculated pursuant to subdivision (c).

(B) The committee is not a state or city general purpose committee as defined in paragraphs (b)(1) or (b)(3).

(3) City General Purpose Committee. A "city general purpose committee" is a committee that meets the criteria in subparagraphs (b)(3)(A) and (b)(3)(B):

(A) The committee makes contributions or expenditures to support or oppose candidates or measures voted on in only one city, or in one consolidated city and county, including contributions to city general purpose committees in the same city or the same consolidated city and county, that total more than 50 percent of the contributions and expenditures made by the committee, as calculated pursuant to subdivision (c).

(B) The committee is not a state general purpose committee as defined in paragraph (b)(1).

(c) Calculations.

(1) Recipient Committees. For purposes of determining committee type under subdivisions (a) and (b), a recipient committee formed pursuant to Section 82013(a) shall count contributions and expenditures made to support or oppose candidates or measures during:

(A) the current two year period, beginning with January 1 of an odd-numbered year and ending with December 31 of the following even-numbered year, or

(B) the immediately preceding 24 months, whichever period most accurately reflects the current and upcoming activities of the committee. A committee shall calculate the applicable percentage quarterly at the end of March, June, September and December. A new committee formed within six months of an election in connection with which the committee makes contributions and expenditures shall calculate the percentage at the end of each month.

(2) Major Donor and Independent Expenditure Committees. Major donor and independent expenditure committees formed under Sections 82013(c) or (b) are defined as general purpose committees in Section 82027.5 and qualify anew as a committee each year. For purposes of determining its jurisdiction under subdivision (b), a major donor or independent expenditure committee shall count contributions or expenditures made to support or oppose candidates or measures during the current calendar year, and shall calculate the percentage semi-annually at the end of June and December.

(d) Change of Status. A recipient committee whose status changes between general purpose and primarily formed, or from one jurisdiction to another, shall amend its statement of organization pursuant to Section 84103 to reflect the change. If, after filing reports with a local filing officer, a city committee becomes a county or state committee, or a county committee becomes a state committee, the committee must continue filing reports with the original city or county through the end of the calendar year under Section 84215(g).

(e) Inactivity. A recipient committee that makes no contributions or expenditures supporting or opposing candidates or measures during the time period set forth in paragraph (c)(1) shall retain its existing status.

(f) Avoidance of Disclosure. A committee shall not knowingly file in an incorrect jurisdiction or as an incorrect type of committee, with the intention of avoiding the appropriate legal disclosure of campaign contributions and expenditures to the public.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82027.5 and 82047.5, Government Code.

HISTORY

1. New section filed 1-30-2009; operative 3-1-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2009, No. 5).